



Docket No. 500.30789R00

#21
Letter
11/27/01
mkb

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Manabu FUKUSHIMA *et al.*

Serial No.: 08/937,439

Filed: 25 September 1997

For: DRAWING MANAGEMENT DEVICE HAVING
ABILITY TO RETRIEVE AND DISPLAY A DESIRED
AMOUNT OF DATA WITHIN A DESIRED DISPLAY TIME

Art Unit: 2671

Examiner: C. Vo

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REQUEST FOR CLARIFICATION AND RESTART OF PERIOD FOR RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

19 October 2001

Sir:

An Office Action having a USPTO mailing date of 19 September 2001 has been received by Applicant in connection with the above-identified application.

At Item 2a of the Office Action Summary, the Action is indicated as "FINAL." At Item 4 on the Summary, Claims 1-26 are indicated as being pending; at Item 5, Claims 1-10 and 12-26 are indicated as being allowed; and at Item 6, Claim 11 is indicated as being rejected. The rejection of Claim 11 has been based on a reference newly cited to Applicant in the Action.

Applicant and the undersigned are grateful to the Examiner for the indication of allowance of Claims 1-10 and 12-26. However, there is no indication of the finality of the Action given anywhere except the Summary to advise Applicant if, in fact, the Action is "final," including no grounds upon which such finality is based. Therefore, Applicant respectfully submits that the 19 September 2001 Office Action is defective, and as set forth in MPEP §707, courteously requests a clarified, corrected or

replacement Action, including confirmed status of the Action (final or non-final?), and the grounds upon which finality, if made, has been based.

Further, in accordance with MPEP §710.06, this Request is timely filed within one month of the mailing date of the defective Action, and therefore, restart of the full, three-month shortened statutory period for response is proper. Applicant respectfully requests that the full period for response to any clarified, corrected or replacement Office Action be restarted to coincide with the mailing of such Action.

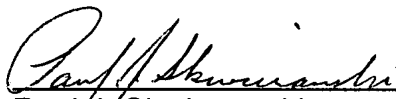
No fee or submission is required for this Request. If any fees are actually appropriate, please charge same to ATS&K Deposit Account No. 01-2135.

Respectfully submitted,

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Paul J. Skwierawski

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